

AMENDED IN SENATE JUNE 25, 2009

AMENDED IN ASSEMBLY MAY 7, 2009

AMENDED IN ASSEMBLY APRIL 28, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 881**

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**Introduced by Assembly Member Huffman**

(Principal coauthor: Senator Wiggins)

(Coauthor: Assembly Member Evans)

February 26, 2009

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An act to add and repeal Division 19.1 (commencing with Section 181000) of the Public Utilities Code, relating to greenhouse gas emissions.

### LEGISLATIVE COUNSEL'S DIGEST

AB 881, as amended, Huffman. Sonoma County Regional Climate Protection Authority: greenhouse gas emissions.

The Local Transportation Authority and Improvement Act authorizes any county board of supervisors to create or designate a local transportation authority in the county for the purposes of imposing a retail transactions and use tax of up to 1%, by a  $\frac{2}{3}$  vote thereof, subject to voter approval, with revenues to be used for transportation improvements.

The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels in 1990 to be achieved by 2020, as specified.

This bill, until December 1, 2015, would create the Sonoma County Regional Climate Protection Authority. The bill would provide for the authority to be governed by the same board as that governing the Sonoma County Transportation Authority, which was created pursuant to the Local Transportation Authority and Improvement Act, and would impose certain duties on the authority, thereby imposing a state-mandated local program. The bill would provide that the authority is a separate entity from the Sonoma County Transportation Authority. The bill would authorize the authority, in cooperation with local ~~entities~~ *agencies, as defined*, that elect to participate, to perform coordination and implementation activities, within the boundaries of Sonoma County, to assist those ~~entities~~ *agencies* in meeting their greenhouse gas emission reduction goals and develop, coordinate, and implement programs and policies to comply with the California Global Warming Solutions Act and other federal or state mandates and programs designed to respond to greenhouse gas emissions and climate change. The bill would authorize the authority to apply for, and to receive grants of, funds to carry out its functions, and would require those funds to be held in a separate account. The bill would prohibit the use of transportation funds by the authority other than for transportation activities. The bill would prohibit funding from the Traffic Relief Act for Sonoma County (Measure M), approved by voters in 2004 to be used for these purposes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Division 19.1 (commencing with Section 181000)
- 2 is added to the Public Utilities Code, to read:
- 3
- 4 DIVISION 19.1. SONOMA COUNTY REGIONAL CLIMATE
- 5 PROTECTION AUTHORITY
- 6
- 7 181000. The Sonoma County Regional Climate Protection
- 8 Authority is hereby created. For the purposes of this division,

1 “authority” means the Sonoma County Regional Climate Protection  
2 Authority.

3 181001. The authority is a public instrumentality governed by  
4 the same board as that governing the Sonoma County  
5 Transportation Authority. The authority is, however, a separate  
6 entity from the Sonoma County Transportation Authority.

7 ~~181002. Each member of the authority shall be an elected~~  
8 ~~official of a local governmental entity within the county. Members~~  
9 ~~of the board of supervisors serving on the authority shall comprise~~  
10 ~~less than a majority of the authority.~~

11 181003. The authority, in cooperation with local ~~entities~~  
12 *agencies* that elect to participate, may perform coordination and  
13 implementation activities, within the boundaries of Sonoma  
14 County, to assist those ~~entities~~ *agencies* in meeting their greenhouse  
15 gas emission reduction goals as set forth in resolutions and adopted  
16 plans and develop, coordinate, and implement programs and  
17 policies to comply with Chapter 488 of the Statutes of 2006 and  
18 other federal or state mandates and programs designed to respond  
19 to greenhouse gas emissions and climate change. “*Local agency,*”  
20 *as used in this division, shall mean a county, city, whether general*  
21 *law or chartered, city and county, town, school district, municipal*  
22 *corporation, district, political subdivision, or any board,*  
23 *commission, or agency thereof, or other local public agency.*

24 181004. Activities authorized under Section 181003 shall  
25 include, but not be limited to, the following:

- 26 (a) Reduction of energy consumption.
- 27 (b) Coordination and implementation of energy efficiency projects.
- 28 (c) Increasing efficiency of water use.
- 29 (d) Utilizing carbon sequestration opportunities.
- 30 (e) Administration of grants to local entities.
- 31 (f) Alternative transportation options.
- 32 (g) Measuring and quantifying ongoing greenhouse gas  
33 reductions.

34 181005. The authority shall adopt rules for its proceedings  
35 consistent with the laws of the state.

36 181006. A majority of the members of the authority constitutes  
37 a quorum for the transaction of business, and all official acts of  
38 the authority require the affirmative vote of a majority of the  
39 members of the authority.

1 181007. The acts of the authority shall be expressed by motion,  
2 resolution, or ordinance.

3 181008. All meetings of the authority shall be conducted  
4 pursuant to Chapter 9 (commencing with Section 54950) of Part  
5 1 of Division 2 of Title 5 of the Government Code.

6 181009. The authority shall do all of the following:

7 (a) Adopt an annual budget.

8 (b) Adopt an administrative code, by ordinance, which prescribes  
9 the powers and duties of the authority officers, the method of  
10 appointment of the authority employees, and methods, procedures,  
11 and systems of operation and management of the authority.

12 (c) Cause a postaudit of the financial transactions and records  
13 of the authority to be made at least annually by a certified public  
14 accountant.

15 (d) Do any and all things necessary to carry out the purposes of  
16 this division.

17 181010. The members of the authority shall be compensated  
18 as determined by the authority and shall be reimbursed for  
19 necessary and reasonable expenses incurred in connection with  
20 performing authority duties.

21 181011. (a) Notice of the time and place of a public hearing  
22 on the adoption of the annual budget shall be published pursuant  
23 to Section 6061 of the Government Code not later than 15 days  
24 prior to the hearing.

25 (b) The proposed annual budget shall be available for public  
26 inspection at least 15 days prior to the hearing.

27 181012. The authority may sue and be sued, except as provided  
28 by law, in all actions and proceedings, in all courts and tribunals  
29 of competent jurisdiction.

30 181013. All claims for money or damages against the authority  
31 are governed by Division 3.6 (commencing with Section 810) of  
32 Title 1 of the Government Code, except as provided therein, or by  
33 other statute or regulation expressly applicable thereto.

34 181014. The authority may apply for funds available to carry  
35 out its functions and may receive grants of funds to carry out its  
36 functions. All funds available to the authority shall be held in a  
37 separate account and accounted for independently. No  
38 transportation funds may be used for purposes of this division  
39 other than those activities of the authority related to transportation.  
40 No funding from the Traffic Relief Act for Sonoma County

1 (Measure M), approved by voters in 2004 shall be used for the  
2 purpose of this division.

3 181015. Nothing in this division shall supersede or interfere  
4 with activities, plans, or actions of other local agencies.

5 181016. This division shall become inoperative on December  
6 1, 2015, and, as of January 1, 2016, is repealed, unless a later  
7 enacted statute, that becomes operative on or before January 1,  
8 2016, deletes or extends the dates on which it becomes inoperative  
9 and is repealed.

10 SEC. 2. No reimbursement is required by this act pursuant to  
11 Section 6 of Article XIII B of the California Constitution because  
12 the only costs that may be incurred by a local agency or school  
13 district are the result of a program for which legislative authority  
14 was requested by that local agency or school district, within the  
15 meaning of Section 17556 of the Government Code and Section  
16 6 of Article XIII B of the California Constitution.